

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14 MJ 59 DDN
)	
TODD SCOTT,)	
)	
Defendant.)	

**FINDING OF PROBABLE CAUSE
AND
DETENTION ORDER**

This action came before the court on March 5, 2014 for a preliminary examination and a detention hearing under the Bail Reform Act of 1984, 18 U.S.C. § 3142, upon motion of the United States that defendant Todd Scott be detained until trial. (Doc. 4.)

Defendant Scott is charged by complaint, filed on February 27, 2014 with being a felon in possession of a firearm on November 11, 2013. The maximum statutory penalty provided for this offense includes imprisonment for not more than 10 years.

At the hearing on March 5, 2014, defendant waived his right to a preliminary examination. Upon the written, sworn complaint, the court finds probable cause to believe defendant committed the offense charged in the complaint. The action is continued for further proceedings before the grand jury. The court set March 28, 2014 for a status hearing.

The complaint affidavit alleges that on November 11, 2013, the St. Louis police executed a state court search warrant for a residence which Todd Scott later admitted was his. In the execution of the warrant, the police found and seized a firearm, which defendant Scott later admitted belonged to him. In a statement to the police defendant stated that he needed a firearm for protection because he was involved in the drug trade. The affidavit

also stated that Scott had been convicted in 2005 in this federal district court for being a felon in possession of a firearm, and in 2009 in this court for possessing heroin with the intent to distribute. (Doc. 1.)

At the detention hearing, the parties did not dispute the facts described in the pretrial services report, dated March 4, 2014. (Doc. 7.) Therefore, the court adopts and incorporates by reference into this detention order the facts set forth in the report.

From the pretrial services report and the statement of counsel at the hearing, the court finds that defendant Todd Scott is 39 years of age. He is a lifelong resident of this area. He has family in this district. He told the pretrial services officer that he is self-employed as a construction laborer. He has a substantial history of drug abuse. He has a very substantial criminal record of convictions, including two prior convictions in this court for which he received substantial sentences.

The Bail Reform Act places upon the government a substantial burden of proof regarding whether a person should be detained:

Only if the government shows by clear and convincing evidence that no release condition or set of conditions will *reasonably assure* the safety of the community and by a preponderance of the evidence that no condition or set of conditions under subsection (c) [of 18 U.S.C. § 3142] will *reasonably assure* the defendant's appearance can a defendant be detained before trial.

United States v. Kisling, 334 F.3d 734, 735 (8th Cir. 2003)(quoting United States v. Orta, 760 F.2d 887, 891 & n. 20 (8th Cir. 1985) (en banc)).

From the record of this action, including the facts set forth in the pretrial services report, the statements of counsel, the facts set forth in the complaint, and the potential punishment upon conviction (imprisonment for not more than 10 years), the court finds and concludes by clear and convincing evidence that the release of defendant Todd Scott upon his own recognizance, an unsecured appearance bond, or any condition or combination of conditions of release will not reasonably assure the court that he will not endanger the community. 18 U.S.C. § 3142(b), (c).

Therefore,

IT IS HEREBY ORDERED that the motion of the United States to detain defendant Todd Scott is sustained. Defendant is committed to the custody of the Marshals Service until further order.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on March 10, 2014.